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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Knut M. Schwarz et al

Serial No.: 10/775,692

Filed: February 10, 2004

For: "Holding System for Accessory Instruments, Especially in Minimally Invasive Surgery"

Docket No.: H-1351 CIP

Group: 3632

Examiner: K. H. Chan

**RESPONSE D**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

This is responsive to the Official Office Action dated September 11, 2006.

**REMARKS**

Claims 11-16 were presented for examination. Claim 16 stands rejected as being anticipated by Ognier. Claims 11-16 stand rejected as being obvious over Ognier in view of Osypka. Claims 11-15 stand rejected as being indefinite. These rejections are traversed, as noted below.

**THE §112, 2ND PARA. REJECTION OF CLAIMS 11-15:**

The Examiner states that the recitation: "mechanical arm being sufficient (SIC: 'sufficiently') flexible so as bend (SIC: 'so as to bend') before the tensile strength of the tissue of a surgical patient is reached during maneuvering of the mechanical arm and seat during surgery" is vague and indefinite. The Examiner sums up this rejection by alleging that "to use such wide (SIC: 'such a wide') spectrum of 'tensile strengths' to define the flexibility of applicant's claimed mechanical arm is vague and indefinite.". This allegation has absolutely no basis in fact. These tensile strengths are not an indefinitely "wide spectrum" of tensile strengths. They are in fact a definite and known spectrum of tensile strengths which are clearly set forth in FIG. 5 of the subject patent application. They have been known at least as long as since 1970. The Examiner has absolutely no basis for alleging that something that is clearly disclosed in the specification of the patent application is vague and indefinite. This rejection should be reconsidered and withdrawn.

**THE §102 REJECTION OF CLAIM 16:**

Claim 16 stands rejected as being anticipated by Ognier. The sum and substance of this rejection is contained in the last sentence in the first paragraph on page 3 of the office action, to wit: "It would have been a matter of obvious mechanical expedient to have restricted